



Mike DeWine, Governor
Jon Husted, Lt. Governor
Laurie A. Stevenson, Director

November 8, 2019

**Re: Emerald BioEnergy, LLC
Notice of Violation (NOV)
NOV
NPDES
Morrow County
4IN00204**

Ms. Cari Oberfield
Emerald BioEnergy, LLC
P.O. Box 249
Delaware, OH 43015

Subject: Notice of Violation

Dear Ms. Oberfield:

On October 25, 2019, Ohio EPA, Division of Surface Water (DSW) conducted an inspection of authorized class B biosolids Site 59-00074 (Field ID MOQ-01-03) located between County Road 156 and County Road 21 in Morrow County. The beneficial use of biosolids at this site was completed that afternoon after the inspection. The goal of the inspection was to determine your facility's compliance with Ohio's environmental laws and regulations as found in Chapter 6111 of the Ohio Revised Code (ORC), Chapter 3745-40 of the Ohio Administrative Code (OAC), and the terms and conditions of NPDES Permit 4IN00204 issued on November 1, 2012.

Violation

Ohio EPA observed the following violation of Ohio's environmental laws and regulations and Emerald BioEnergy's NPDES permit terms and conditions. Ohio EPA DSW recommends you promptly address this violation.

Please pay special attention to the **Violation Description** and **Requested Action** associated with the violation listed below as they describe what exactly is in violation and the requested action to address the violation.

1. **ORC 6111.07(A)**: No person shall violate or fail to perform any duty imposed by sections 6111.01 to 6111.08 of the Revised Code or violate any order, rule, or term or condition of a permit issued or adopted by the director of environmental protection pursuant to those sections. Each day of violation is a separate offense.

OAC 3745-40-08(C)(1): Isolation distance requirements - No person shall beneficially use class B biosolids within 33 feet of surface waters of the state.

NPDES 4IN00204, Part II. B: All disposal, use, storage, or treatment of sewage sludge by the Permittee shall comply with ORC 6111, OAC 3745-40, any further requirements specified in this NPDES permit, and any other actions of the Director that pertain to the disposal, use, storage, or treatment of sewage sludge by the Permittee.

- (a) **Violation Description:** On October 25, 2019, Ohio EPA found that biosolids had been applied within 33 feet of the drainage swale near the western border of Site 59-00074. See photograph below.
- (b) **Requested Action:** Please submit a plan detailing the procedures that will be followed to ensure that biosolids are not beneficially used within the required isolation distances.

Conclusion

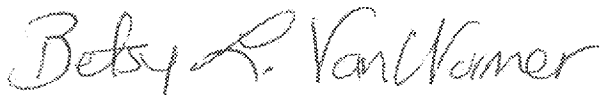
No later than November 22, 2019, please submit the requested plans and provide documentation to Ohio EPA DSW of the actions taken and/or will be taken to resolve the violation cited above. Documentation of steps taken to resolve this violation includes but is not limited to: written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to betsy.vanwormer@epa.ohio.gov. If circumstances delay resolution of the violation, Emerald BioEnergy is requested to contact Ohio EPA DSW to discuss the situation and propose an alternative schedule to resolve the violation in a timely manner.

Failure to comply with Chapter 6111.07 of the Ohio Revised Code and rules promulgated thereunder may result in an administrative or civil penalty.

Please note that the submission of any requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek administrative or civil penalties as provided in Section 6111.09 of the Ohio Revised Code.

Should you have any questions, please contact me at betsy.vanwormer@epa.ohio.gov or 614-644-2150.

Sincerely,



Betsy L. VanWormer, P.E.
Environmental Specialist III
Ohio EPA Division of Surface Water

ec: Erin Sherer, DSW, CO
Mark Stump, DSW, CO
Logan Randles, Renergy
Ashleigh Lemon, Renergy
Cari Oberfield, Renergy



Violation 1
10-25-19